

## **REMARKS**

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

Claims 2-13, 15-19 and 21-24 were pending.<sup>1</sup> By the present response, claims 5, 8, 17 and 21 have been amended, claims 2 and 15 canceled and claims 25-35 added. At least a portion of the amendment to claim 5 is to correct an inadvertent typographical error in the claim. Thus, upon entry of the present response, claims 3-13, 16-19 and 21-35 remain pending and await further consideration on the merits.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: the original claims and the specification, paragraph [0012].

Entry of the forgoing is appropriate pursuant to 37 C.F.R. §1.116 for at least the following reasons. First, the amendments address the new grounds of rejection under 35 U.S.C. §102(b) and place objected claim 15 in allowable independent form thereby reducing the number of issues present upon appeal. Second, the amendments raise no new issues that would necessitate further search and/or substantive reexamination.

## **EXAMINER INTERVIEW**

The Examiner is thanked for his time in the telephone conversation of July 21, 2005. During the conversation, the rejections in the Final Official Action were

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<sup>1</sup> The Office Action Summary incorrectly indicates that claims 2-13, 15-19 and 21 were pending, but the Response dated March 10, 2005 added new claims 22-24.

discussed. Upon clarification of the rejections, Applicant has submitted the enclosed claims.

***ALLOWABLE SUBJECT MATTER***

Applicant notes with appreciation the indication that claims 6, 8, 10, 11, 13, 15, 16, 18 and 19 would be allowable if rewritten in independent form as noted in paragraph 4 of the Official Action. By the present response, claim 17 has been amended by inclusion of the features of allowable claim 15. Also, claim 8 has been amended into independent form and new claims 26-35 depend from this allowable claim. Thus, at least independent claim 17 and its dependent claims 16-19 and independent claim 8 and its dependent claims 26-35 are allowable. Based on the arguments herein, it is respectfully asserted that the remaining pending claims in this application are also allowable.

***CLAIM REJECTIONS UNDER 35 U.S.C. §102***

Claims 2-5, 7, 9, 12, 17 and 21 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated by EP 569887 A1 to Hansch et al. (hereafter "*Hansch et al.*") on the grounds set forth in paragraph 3 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

The rejection of claim 17 is obviated by the amendment herein by which claim 17 has been amended to include the features of allowable claim 15.

With respect to the remaining claims rejected herein, it is respectfully asserted that the disclosure in *Hansch et al.* does not disclose the claimed supporting edge, two supporting sides and bottom side that enclose a volume, means for pivoting the

supporting edge and supporting sides about a first axis to receive the folded sheet material such that each supporting side receives a different portion of the folded sheet material, the first axis between the two supporting sides and positioned within the volume as recited in independent claim 5 and does not disclose the supporting edge, two supporting sides and bottom side that enclose a volume, claimed means for pivoting the supporting edge and supporting sides about a first axis to receive the folded sheet material such that each supporting side receives a different portion of the folded sheet material, wherein the supporting sides converge at the supporting edge, and the first axis is parallel to a longitudinal axis of the supporting edge and is between the two supporting sides and positioned within the volume as recited in independent claim 21.

The Examiner has cited to *Hansch et al.* and attachment I in the last Official Action. The Examiner states that *Hansch et al.* has a supporting edge 14(1) to 14(n) and two supporting sides (14(1a) and 14(1b)). The Examiner then states that first axis 12 is "between the two supporting sides (in relation to one of the supporting edges as seen in Attachment I)."

In response to this rejection, it is respectfully noted that independent claims 5 and 21 now indicate that the first axis is between the two supporting sides and positioned within the volume, e.g., the volume enclosed by the supporting edge, two supporting sides and bottom side (see, claim 5 and claim 21). Thus, when the amended claim is compared to the axis 12 in *Hansch et al.*, it is seen that the axis 12 is at the centerline of the drum on which the saddles are mounted and that this axis 12 is not within the volume as presently claimed.

For at least the above noted reasons, an anticipatory rejection is improper because *Hansch et al.* does not disclose the invention as claimed. See MPEP § 2131. Accordingly, the rejection should be withdrawn.

***NEW CLAIM***

New claim 25 has been added to include additional features of the claimed pivotable collecting device of claim 5. Specifically, claim 25 recites the additional feature wherein the first axis is at an acute angle to a longitudinal axis of the supporting edge as detailed, for example, at paragraph [0012] of the specification. It is respectfully asserted that this claim, in addition to being allowable as dependent from allowable claim 5 as argued above, is itself allowable because the first axis in *Hansch et al.* identified by the Examiner, e.g., feature 12 in Figure 1, is at best parallel to the longitudinal axis of the supporting edge and not at an acute angle.

New claims 26-35 have been added to depend from rewritten and allowable independent claim 8 and present additional combinations of features dependent from that claim.

**CONCLUSION**

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

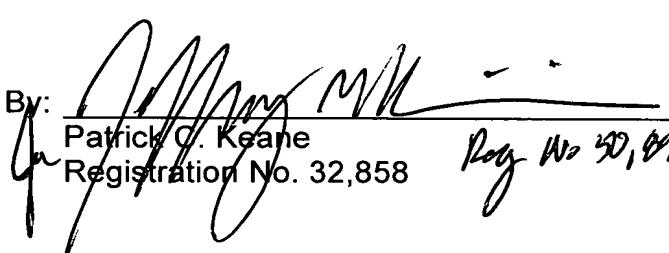
Respectfully submitted,

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